

HOUSE No. 69

By Mr. Jones of North Reading (by request), petition of Avi Nelson for legislation to prohibit the designation of “incumbent” and changing the designation “unenrolled” to “independent” on ballots. Election Laws.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT REMOVING UNFAIR INCUMBENT ADVANTAGE FROM BALLOT AND CHANGING “UNENROLLED” TO “INDEPENDENT”.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 54 of the General Laws is hereby amended by striking
2 sections 41 and 42 in their entirety and inserting in place thereof
3 the following sections:—

4 Section 41. Ballots for the use of voters in a voting precinct,
5 polling place or town shall contain names of all candidates duly
6 nominated for election therein, and, except as provided in
7 section 43, they shall contain the name of no other person.

8 To the name of each candidate for a state office shall be added
9 the name of the city or town where he resides, with the name of
10 the street and number, if any, of his residence, except as provided
11 in section 41A. To the name of each candidate for a city office
12 shall be added the name of the street on which he resides, with his
13 street number, if any; and to the name of each candidate for
14 alderman at large shall also be added the number of the ward
15 where he resides.

16 To the name of each candidate for a state or city office, except
17 for city elections which are not preceded by primaries, shall be
18 added in the same space his party or political designation. Failure
19 to make a political designation shall result in the term “Indepen-
20 dent” being used. There shall be no designation indicating incum-
21 bency. To the name of each candidate for a town office upon an
22 official ballot shall be added the name of the street on which he

23 resides, with his street number, if any and, except for town elec-
24 tions which are not preceded by primaries or political party cau-
25 cuses, the political designation contained in the certificate of
26 nomination or nomination papers. The town clerk shall add the
27 words "Caucus Nominee" to the name of any candidate nominated
28 for a town office by a caucus held under the provisions of
29 sections 117 to 120, inclusive, of chapter 53.

30 If a candidate shall receive the nomination of more than one
31 party or more than one political designation for the same office,
32 he may, by a writing delivered to the officer or board required by
33 law to prepare the official ballot, direct in what order the several
34 nominations or political designations shall be added to his name
35 upon the official ballot, and such directions shall be followed by
36 such officer or board.

37 For all elections following primaries, such direction shall be
38 filed within the time required by section 3 of chapter 53 for accep-
39 tance of a write-in or sticker nomination; and for all other elec-
40 tions, within 72 hours next succeeding the last time for filing
41 nomination papers or certificates of nomination.

42 If, during said time, said candidate shall neglect to so direct,
43 said officer or board shall add said nominations or political desig-
44 nations to the name of said candidate upon the official ballot in
45 such order as said officer or board shall determine. The name of
46 any person shall not be printed on the official ballot or on ballot
47 labels more than once as a candidate for the same office nor more
48 than once for any office wherein a full term and a partial term run-
49 ning concurrently are to be filed.

50 Section 42. Except as provided in section 41A, under the des-
51 ignation of the office, the names of the candidates for office to be
52 filled at a state election shall be placed on the ballot by random
53 selection; next and by random selection the names of candidates
54 of political parties, as defined in chapter 50, and the names of all
55 other candidates shall follow in like order.

56 Under the designation of the office, the names of candidates for
57 each municipal elective office shall, except as city charters other-
58 wise provide, be arranged by random selection, next and by
59 random selection the names of candidates of political parties, as
60 defined in chapter 50, and the names of all other candidates shall
61 follow in like order. The names of candidates for different terms

62 of service in the same office shall be arranged in groups according
63 to the length of their respective terms, and the names of candi-
64 dates nominated by single wards but to be voted for at large, shall
65 be arranged in groups by wards in like order. Blank spaces shall
66 be left at the end of the list of candidates for each different office
67 equal to the number to be elected thereto, in which the voter may
68 insert the name and address of any person not printed on the ballot
69 for whom he desires to vote for such office; provided, however,
70 that a mistake in stating the address of such person shall not inval-
71 idate a vote if the address stated is sufficient to indicate the person
72 for whom the vote was intended. If the approval of any question
73 is submitted to the voters, it shall be printed on the ballot after the
74 names of the candidates.

75 The names and addresses of the candidates for regional district
76 school committees elected district-wide at state elections shall be
77 arranged by random selection; and the names and addresses of all
78 other such candidates shall follow in like order. No political or
79 other designation shall appear on the ballot. There shall be
80 printed such directions as shall instruct the voter to vote for the
81 appropriate number of candidates from each community. If the
82 state secretary cannot accommodate all the names on the ballot in
83 a particular community, he may in his discretion print a separate
84 paper ballot for candidates for regional district school committees.

85 Ballots shall be so printed as to give each voter an opportunity
86 to designate by a cross (X), in a square at the right of the name
87 and designation of each candidate, or of each group of candidates
88 for governor and lieutenant governor and at the right of each ques-
89 tion, his choice of candidates and his answer to such question; and
90 upon the ballots may be printed such directions as will aid the
91 voter; for example, "vote for one," "vote for not more than two,"
92 "yes," "no," and the like. On each ballot shall be printed the
93 words "Official Ballot for", followed by the name of the electoral
94 district, city or town for which the ballot is prepared, and, if the
95 content of the ballot differs within a city or town, the ward and
96 precinct of the city or the precinct of the town, if any, the date of
97 the election, and a facsimile of the signature of the officer who
98 has caused the ballot to be prepared. The state secretary shall pre-
99 pare a sufficient number of ballots for the use of persons qualified
100 under section 1F of chapter 51 to vote for electors of president

101 and vice president, upon which there shall be so printed the words
102 “Official Presidential Elector Ballot for”, followed by the date of
103 the election and a facsimile of the signature of the state secretary.
104 A blank space shall be left at the end of the list of candidates for
105 president and vice president in which the voter may insert the sur-
106 names of candidates for president and vice president, which are
107 contained in lists submitted to the state secretary as provided by
108 section 78A.